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BOUNDARY LINE PROCEEDINGS, 1710.

[Ludwell MSS., Virginia Historical Society.]

A Journall of the Proceedings of Philip Ludwell and Nathⁿ Harrison Commissioners appointed for seteling ye Limits betwixt Virg^a & Carolina Begun July ye 18th 1710 by P. L.

Before we enter upon the narrative of our proceeding it will be necessary to observe that upon the arrivall of her Majesty's Letters mandatory for the settling the bounds between Virg^a and Carolina, we were appointed the 18th day of April last to be the Commissioners for that purpose and our instructions were agreed on by the President and Councell ye 27th of that month.

That thereupon Mr. President after haveing discoursed Mr. Lawson (one of ye Commissioners of Carolina) and Received his answer writt to ye Commissioners on the 4th of May to notify our being ready and named the 9th of June as a proper time for haveing a meeting of both Commissioners to adjust the method of proceeding in this affair. That Mr. Lawson one of the Commissioners of Carolina wriht to Mr. President that he had not then seen Mr. Moseley that he was then very busy in settling the pallatines (in which he expected to meet with much difficulty by reason of the distractions of that Government) and that therefore they ye Commissioners of Carolina could not meet us according to that appointment but hoped they should be able to do it in July, and Mr. Moseley in a letter of the 5th of June acquainted the President that he could not attend that appointment of ye Presedents because he had not seen Mr. Lawson nor the Powers sent from the proprietors, but when he had he would give timely notice when they ye said commissⁿ could meet us.

Thus this matter stood at ye arrivall of ye Lt. Govern^r Coll. Spotswood who thinking it necessary that our Instructions should be re-examined in Councell was pleased on ye 6th of July to signe our Comission, and the month of July being far spent without hearing from y^e Comissionⁿ of Carolina, on the

18th we waited on the Govern^r and Received our Comission & Instructions and the same day we wriht the following order to the Comissioners of Carolina:

WILLIAMSBURGH, July ye 18th, 1710.

Gent:

Haveing Received a Commission from his Majesty's Lt. Govern^r to a conjunction with you for settling the boundarys between this her Majesty's Collony and Carolina, we were in hopes that according to what you were pleased to write to Mr. President Jennings you would have signified to us when you could conveniently have met us, for adjusting the proper methods for carrying on this worke. But haveing heard nothing from you since your answer to the President's letter, we think ourselves obliged very earnestly to desire you will lett us know your Last Resolutions whether we may expect to meet you at Williamsburg any time this month, or if you doe not think fitt to meet us there, we desire you to appoint some other place where we may meet you this month, because the Season of the year will not admit of any longer delay. We are, Gent.,

Y^r Most Humb. Serv^{ts},

P. L.

N. H.

To Edw^d Mosely & Jno. Lawson Esqrs. Commiss^{rs} appointed by y^e Lords Proprietors of Carolina for settling the Limitts thereof or either of them. In North Carolina.

With this we waited on the Gov^r and communicated it to him who was pleas'd to desire that we would press the Commissioners of Carol: to give the most expeditious dispatch to this affair that could be which occasioned the following postscript to ye foregoing letter :

P. S. July y^e 19th, 1710.

Coll. Spotswood our Governor being very pressing to have this affair expedited as much as possible, we are obliged once more to desire you will please appoint us the shortest day of

meeting that can be and that you will give this messeng^r the quickest dispatch with your answer, which will very much oblige

Gent. Yr most H. S.

P. L.

N. H.

August ye first Mr. Harrison Received the following Letter from Mr. Moseley:

NORTH CAROLINA, July 25, 1710.

Gents:

This day I received yrs. of ye 18th Instant relating to the Boundary between this Government and Virg^a. I think myselfe obliged to acquaint you that I have taken all ye necessary measures I possibly could to bring it to some Issue. For immediately after my receipt of Mr. President Jennings's Letter which came from Mr. Lawson I dispatched a Letter Desiring Mr. Lawson to informe me when he could be at leisure from business; since which on ye nineteenth of ye Last month I pressed him to a speedy determination. But to this time have rec^d no answer which I ascribe to ye great distance he is from me, at least an hundred miles, and three large and difficult ferrys in the way.

However I have adventured to appoint the one and twentyeth of August next for our meeting you at Williamsburgh agreeable to Mr. President Jenning's request & yours; being desirous to shew willingness to retrieve the lapsed time.

I designe to-morrow to send a messenger directly to Mr. Lawson to advertise him hereof. In the mean time I am gent^l

Yr. Most H. S.,

EDWD. MOSELEY.

To Philip Ludwell Esq. his majesty's Hon^{ble} Councill & to Maj. Nath^l Harrison Commiss^{rs} appointed for settling y^r Boundaries of Virg^a.

August ye 21. We went to Williamsburgh Expecting to have mett the Commissioners of Carolina but they did not come.

Augt. ye 25. Being informed that Mr. Hyde [Govern^r of

North Carol.] was come to Williamsburgh and Expecting the Commissioners were come with him, P. L. went thither where I understood Mr. Lawson had been there and was gone to Capt. Jones' with designe to returne home speedily there being noe news of Mr. Moseley. I imediately waite on the Govern^r to Receive his Directions how to proceed who was pleased to direct me to dispatch a messenger Early ye next morning to Mr. Moseley to desire his Comp^a as soon as possible at Williamsburgh & in ye meane time he was pleased to engage Mr. Lawson to stay for the returne of ye Messenger.

Ye 26. Early in ye morning I dispatched the following Letter to Mr. Moseley:

VIRGA. Augt. ye 25 at night, 1710.

Sir, Conformable to your appointment in yr. Letter of the twenty fifth of July wee met at Williamsburgh ye 21st instant where we flattered ourselves we should have had the honour of your Company but being disappointed of it that day without hearing from you and alsoe being informed that severall Carolina Gent^l designed to wait on Mr. Hyde that verry day at Norfolke. We concluded we should see you at Williamsburgh in 2 or 3 days. Our Conjecture proved not altogether wrong for Mr. Lawson arrivd on Wensday or Thursday (haveing been hindred a day or two in his passage) but not findeing you here resolved to Returne home speedily. Our Gov^r Coll. Spotswood being desirous to bring this affair to as speedy a conclusion as may be and being apprehensive that if we faile of a meeting while Mr. Lawson is here it will be in vaine to expect any farther proceeings in Concert with you this year, Commands us to desire your company at Williamsburgh by Wensday next where we shall be always Ready to doe everything that can be expected for Expediteing this good worke. In the mean time we are

Sr. y^r Most H. S.,

L.

N. H.

To Edw^d Moseley Esq. &c.

As soon as this Letter was sent away, I sent a letter to Mr.

Lawson inviteing him to my house and to informe him we had sent to Mr. Moseley and expected he would come in 4 or 5 days. In answer to which he writ me that he had already promised ye Govern^r to stay for the Returne of ye Messenger.

Aug^t ye 30th. We met the Carol. Commissioners in the Conference Roome in the Capitoll. As soon as our Comissions on both sides were Read Mr. Moseley objected that we could not treat of this affair because there was a variance in our Comissions, for theyr Commission impowered them onely to set in Conjunction with us and by the preamble of our Commission it seemed the Queen designed noe more & yett our Commission empowered us to act Separately: this he insisted on verry much questioning ye Govern^rs Power to give such a Commission.

We argued that it could be noe objection that a Commissioner had too full a power given to treat, that our Commissⁿ appointed us to act in conjunction with them if they would & if our Commiss: did goe further to impower us to act separately in case of disagreement that could be noe objection till we had treated and tryed whether we could agree or not & besides we thought that what we were appointed to doe in case of disagreement could not be properly called acting separately since it was nothing but what was necessary for giving her majesty a full information of the Case whereby she might be enabled to make a determination of it, and as to ye Gov^rs power, since he had given it under his hand that it was pursuant to her Majesty's Comands, wee should not doubt his power nor our owne if they did not agree. At last Mr. Lawson being satisfied, Mr. Moseley was forced to quitt the argument and then we proceeded as the minutes taken by Mr. Robertson will shew, but I must remarke that Mr. Moseley started all ye Captious arguments and exceptions that could be.

This conference ended without coming to any other Resolution than that we would proceed to take more affidavits on both sides & then make a tryall of the Lattitude at both ye Contested places in order to which Mr. Moseley agreed to come to my house the next day from whence we were to set out to take the Virginia affidavits first but Mr. Harrison being taken very ill of an ague that night I went to the Govern^r next day to meet

Mr. Moseley and to endeavour to put off our journey for 2 days, but I found Mr. Moseley verry urgent to delay it much longer for he said his horse was gravell^a & he had such urgent business that he must of necessity goe home, at last being verry much pressed by ye Gov^r he came to this Resolution: That on Tuesday ye 19th he would goe to Mr. Nath: Harrison's house to proceed with us to take our evidences in Virg^a and from thence we should goe with him to Carolina to take theyr evidences which we hoped might be done by ye 28th, at which time he was to give Mr. Lawson (whom he expected to meet with that night) notice to meet us with his instrument to goe & try ye Lattitude.

Sept. ye 21st. Haveing waited these 2 days for Mr. Moseley's comeing in vain we Proceeded to Coll^o Harrison's where we met with Thomas Cotton & took his affidavit, from thence we went to Henry Brigge's where we met Richard Washington and took his affidavit from whence we proceeded in our way to Nottoway.

The 22nd we went to ye Nottoway Indian Town where we had appointed Henry Wych to meet us to give us his deposition, but he did not come. Here we took ye Examination of three Wyanoke Indian women. After haveing given them strict charge to tell nothing but the truth; but the Nottoway old men being gone to get chincopens we deferred taking their examinations till our return and went to the Nansemond or Potchiack Indian Towne; in our way thither we met one Richard Braswell who told us that he had entered for about 1000 acres of Land with Mr. Moseley upon Maherin River, & had it surveyed being perswaded to it by Mr. Moseley who assured him that it was in that Government and that Nottoway River was Wyanoke. And he pretended to Read a Copy of ye Carolina Charter to him which exprest that they were to begin at ye North end of Corotuck Inlet & to goe to Wyanoke River or Creek being 36^d 30^m Lattitude; and that Mr. Moseley did take ye Lattitude of Nottoway River's mouth and told him & others it agreed, and from thence he ran a due west course to Maherin River.

I have since had much ye same account from others but Mr. Moseley denied that he had * the Lattitude there but owned he had Run a West line from Nottoway to Maherin by order of Councell of Carolina.

Ye 23rd we took the examination of Great Peter ye great man of ye Nansemond Indians, who told us that a little while before our comeing he was sent for to Coll^o Polluck's house where was Govern^r Hyde, Mr. President Glover, Mr. Arden & others and they examined him concerning the Wyanoke Indians and Wyanoke Creeke; that he gave them the Same relation he has now given us, and that Coll^o Polluck was angry with him and said that such stories would do the proprietors a mischief; he answered that he did not come of himself to tell him any stories but was sent for, & if he desired to hear it he would tell him the truth, but if that would not please him, he would not tell him a lye; that Mr. Hyde said he was in the right that Coll^o Polluc urged him very much to drink, but he thought ye Coll^o had some designe upon him and would not.

From hence we proceeded to ye * * * Indian Town and took the examination of theyr old men. At this place there was one John Beverley who supposes himself to be an Inhabitant of Carolina, whome J. L. desired to take notice of our manner of proceeding in taking the examinations of ye Indians, and ye questions asked them. This man told us he had bene all up Wycocon Creek and had taken up & surveyed some land in ye forke of ye Creek, where the Wyanoke towne was. And when we made the Indians mark out upon the Ground the Creek and Swamps and the Places where the Wyanoke Indians had corn-fields, he confessed that the creek, swamps and old fields were as they described them.

24. We sett out from hence to Mr. Moseley's.

25. We arrived at Mr. Moseley's in Carolina who seems Surprised at our comeing, haveing (as he told us) sent a messenger to excuse his not meeting us at Mr. Harrisons and Prevent our disappointment. Here we Stayed this day and ye next in the Expectation of Edward Smith-Wyck & Francis Thoms, two witnesses which Mr. Moseley sent for, but they both sent excuses that they were not able to come. While we were here Mr. Moseley shewed us a letter from Mr. Lawson dated from Little River, as I remember, about ye 6th of this month, wherein he complains of ye shortness of ye time, his pinnace not being come for him, and promising to meet or get his Instrument at ye place appointed if possible, and recommending to him a brass

Semi-circle which was in that neighbourhood in case his did not come. But amongst ye rest he writt that he thought it would be of very ill consequence for them to submit to our appointments. This instrument Mr. Moseley Shewed me, but said he did not think fitt to carry it to the place appointed to try ye latitude, it being soe small that it could not certainly determine the lattitude, for ye radius was but six inches and was not capable of being graduated to less than ten minutes; wherefore he would depend upon Mr. Lawsons bringing or sending his instrument.

27. This day we propose to Mr. Moseley to goe to his evidences, but Smithwyck living up Moratuck River at a great distance from Mr. Moseley's and he not desiring us to goe thither we went to Francis Thoms's house, and took his declaration (being a quaker) and here I must observe that Mr. Moseley acted very disingenuously for when Mr. Thom's answered some of ye questions we desired to ask, and such as Mr. Moseley did not object against, though he answered the same things over several times, we could not without quarrelling prevaile with him to set down the answers in ye same terms Mr. Thoms Spoke them; but would be putting other words in his mouth of a different Signification, and endeavouring to prevail with him to speak them.

Ye 28. We went to James Farlows to take his affidavit, but Mr. Moseley having given him no notice of our coming, he was gone 12 or 15 miles from home towards Mr. Moseley's house which was directly back again, and Mr. Moseley not insisting on him as a material evidence (for he told Mr. L. he did not know what he could say but that having lived in Appomatercks he supposed he could say something), we proceeded to meet Mr. Beverley & Mr. Allen at Maherrink River, in order to meet Mr. Moseley and Mr. Lawson ye next day at Wycocon or Wyanoke Creek according to appointment.

Ye 29. We went to Wycocon Creek where we met Mr. Moseley but Mr. Lawson sent an excuse and one Mr. Maule to act in his room. They had no sort of Instrument with them. We took ye lattitude at noon with Mr. Harry Beverley's Sea-quadrant, the radius whereof was 2 ft. 3 inches and well graduated

to 2 minutes with a good plumb and fine thred. And we found the Zenith distance of ye Sun to be 43 d. 16 minutes. Ye declination of ye Sun we allowed to be 6 Ds. 33 M.; the parallax we allowed to be 2 M.; by which observation ye lattitude appeared to be 36 D. 41 M. The day being very clear this observation was taken at the widowe Early's, about 2 miles up ye Creek, there being no firme land nearer but all Sunken marsh. This in all probability is the place that old Plumbton speaks of in his affidavit, for the people there told us that in this place ye English and ye Indians had fought a battle in old times. Our horses getting from us last night we could not reach ye place until a $\frac{1}{4}$ after 11, so that we had not time to fix ye quadrant to stand by it selfe, but we held it by hand rested by a stake of a fence, and standing on another stake; to this Mr. Moseley objected that it was liable to error and not so nice and certain as it ought to be (though it was more certain than an observation is taken at Sea where the quadrant is held in hand and not rested), wherefore we resolved to stay till next day and take another observation. This day we examined Smith, Bush, Booth and Charles Merit.

Ye 30th. This day we had ye affidavit of Hooker, and Mr. Moseley tooke ye affidavit of Lewis Williams; then we tooke ye lattitude at ye same place having fixed the Quadrant very firme and nicely and used a horse hair to the plumb instead of ye thred, and according to ye best of our observations he found the Zenith distance to be 43^d 39^m. Ye Sun's declination we allowed to be 6^d 57^m, ye Paralax 2^m, by which observation ye Lattitude appeared to be 36^d 40^m, but some flying clouds sometimes intercepting ye sun for some few minutes, this observation could not be depended upon to a minute; but Mr. Beverley was positive he was within 4 or 5 minutes at ye utmost, and I verryly believe it was not above 5 or 6 minutes betwixt the last fair observation we had, & ye time we found ye sun was considerably fallen; but Mr. Moseley being dissatisfied with it, we resolved to stay another day to take another observation for his satisfaction.

Ye 30th. This day we went down ye Creek by water to ye mouth of it and took ye Courses and distances of ye meanders

& we found ye Creek's mouth 20 pole to ye Southward of ye places where we took observation here; Chawan River is about a quarter of a mile wide and ye Creek near 100 yards.

Here I must observe that I think I have found a truer reason why Mr. Moseley did not bring ye brass instrument to try ye Lattitude than what he told me, vizt: Ye smallness of it, for whilst I was at his house he told me he had taken ye Lattitude at his house with that instrument and afterwards for diversion he showed me a map of that part of Carol: which he had made from his oune surveys and observations, by which he knew certainly what course & distance Wyanoke or Wycocon Creek was from his oune house, soe that he could tell within 10 m. what lattitude ye Creek was in by that instrument; and if he should have brought an instrument which would have brought that Creek in ye Lattitude of theyr charter, or perhaps to ye Northward of it (as one Quadrant did) he would have been * * to have found objections against it.

S^r ye first. This day was very cloudy soe that we could take noe observation & ye sky threatened bad weather, wherefore we Resolved to stay noe longer but to goe back to ye Maherink Indians to examine them again in Mr. Moseley's presence, and in our way thither we tooke ye examination of Browne.

Ye 2d. Ye Maherink Indians not being at home we proceeded to ye Nansimond Indian Towne in order to take ye Lattitude at Nottoway River's mouth, and to examine those Indians, but when we came there most of those Indians also were gone abroad, alsoe to get Chinkopens; and it being a Rainy day we could take noe observation. J. P. came up Chawan River by water almost from Wycocon creek with Mr. Beverley & we sett ye Courses of ye River as we came up, and guessed the distance of each meander, by which we might be enabled to guess how near our 2 observations at ye 2 places agreed. We found they came verry near. At this Towne ye interpreter told me that when he went downe to Wycocon Creek with an Indian called Robin Tucker, who was sent by ye Indians to shew me the Creek on which the Wyanoke Indians formerly lived, he called at one William Williams' house, where he met with Mr. Maule, who was ye person appointed by Mr. Lawson to act as

his deputy, at ye taking ye Lattitude; and that being some time in the house, and ye Indians being left without, as he came out the Indian told him that man (meaning Mr. Maule) was not good, for he had been persuading him to deny that ye Wyanokes had lived on Wycocon Creek, & promised him a bottle of powder and 1000 shott to doe it. Upon which I examined the Indian, charging him not to tell a lye on ye gentle man and he assured me it was verry true. This is Mr. Lawson's Deputy Survey'.

Ye 3d. We went to ye mouth of Nottoway River and in an old field on ye N. E. Side of Chawan, just opposite to ye Lower side of Nottoway River's mouth, which ye Carolina people call Wyanoke Neck; we cut off ye Top of a small tree and fixed the Quadrant very nicely to ye Stump of it, & ye Day being verry clear, we had a good observation and found the zenith distance to be 45 d. 6 m.; the Declination we allowed for that day to be 8 degrees 4 m., ye paralax 2 m., by which observation the Lattitude appeared to be Just 37 degrees, but the gentlemen were not satisfied yet, tho' they stood continually looking on the Instrument at Mr. Beverley's elbow, for Mr. Beverley, while he perceived the Sun still Riseing, left ye Instrument stand till he thought it was at ye highest, and then moved it, by which means it altered about 10 m. from what it was before and afterwards it rise no more; from whence they argued that it was all uncertain and could not be taken for the true Lattitude.

We endeavoured to convince them, & Mr. Beverley desired Mr. Moseley to try it himself, but they will allow noe instrument to be fitt to take ye Lattitude but Mr. Lawson's, which they pretend they will have there some time or other, and then they expect we should meet them there again.

I told Mr. Moseley I could not promise that, but I would acquaint ye Gov' with his desier & do what he pleased to command in it. I think the observation very exact, but they cavil at everything, as I suppose with design to delay us; for I understand Mr. Moseley has persuaded people to take up and survey almost all the land of any value in dispute already, by telling them there was no doubt, for Nottoway River lay exactly in the Lattitude of their charter, and he ran a west line from thence to Meher-

ink River, soe that people thought themselves very safe. A great deal he took up himself, Some of which he has sold, and there are yett noe patents issued for those lands which he hopes to procure (I suppose upon ye appeal of a Gov'r at the settlement of their Government' and I believe he fears he should not only lose his own land, but be forced to refund what ye poor people have paid if it proves in Virginia before patents issue.

Ye 4th. After a verry hard day's journey we arrived at Mr. Harrisons at night, where we found Mr. Moseley's letter of excuse, dated Sunday 17th with a copy of Smithwick's affidavit. The messenger which brought this letter returned to Mr. Moseley's while we were there. We asked him when he arrived at Mr. Harrison's? He answered on ye Friday after we set out. And being asked what made him soe long on his journey as from Sunday to Friday? He answered he did not set out on his journey till Tuesday, which was the day we were to meet.

S^r 10. Thursday we presented the foregoing Journal to ye Gov' and Council together with the following representations:

To the Honourable Alex^r Spotswood Esq. her Majesty's Lt. Gov^r of Virginia.

May it please yr. Honour. Having in ye preceeding Journal given yr. Honour a full acc^t of our proceedings hitherto in this affair, we humbly beg leave to offer your Honour our thoughts on the State of the case, which from ye best observation we have made appears to us to stand thus: On the part of Virginia.

1st. There were 2 positive evidences of good fame to the place and name of Wyanoke Creek.

2nd. Several evidences corroborating the Indian's account. The Indians having bought ye land and lived upon ye said Creek or very near it for severall years, not long before ye grant of ye Carolina Charter from whence probably the Creek took its name, having no name before that we heard of.

3rd. All our evidences are unanimous as to the name of Nottoway River, which with the Indians account corroborated by English Evidences of ye Wyanokes paying in acknowledgement to ye Nottoways (who lived there long before) for living on that river, makes it seem improbable the name of that river should

be changed from their living a few years upon it, at least twenty five mile from ye mouth when they lived much longer upon Black Water without altering ye name of it.

4th. The evidences on ye part of Virginia are all men of good credit and agree very well in their relation.

5th. The Lattitude of Wyanoke or Wicocon Creek appears to agree verry near with the Carolina grant, whereas Nottoway River appears to be * 30^m to ye Northward of it.

On the part of Carolina—

1st. They have no evidence that speaks to the name of Wicocon Creek at the time of theyr grant.

2d. All theyr evidence runs to ye name of Wyanoke River and not one calls it a creek and indeed Nottoway River seems to be the main branch of Chawan River, and is navigable (if it were cleared) as high as the head of Blackwater Swamp; whereas their charter runs expressly to Wyanoke Creek and that is called a creek to this day.

3rd. Theyr witnesses are all very ignorant men and most of them men of ill fame that have run away from Virginia. Some of them concerned in * * and in ye * * Several of them did * * * * in their affidavits, and we observe that all of them contradict themselves or one another.

Upon consideration of ye whole case as ye circumstances have appeared to us in the whole course of our Progress we are clearly convinced that the creek called Wicocon is the place called Wyanoke Creek in ye Carolina charter, and from ye backwardness of ye Carolina commissioners to meet us and to bring business to a conclusion, together with ye frivolous objections they make upon all occasions to retard our Proceedings, and some other observations we have made, which are too serious to insert here, we cannot choose but believe that they or one of them at least * * (if he would be so ingenuous as to own it) * * * for private interests or some other reason to themselves best known, they have to put off the decision for some-time.